

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SALIH HALL,	§	
	§	No. 559, 2009
Plaintiff Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
PARVIZ SOROURI, M.D.,	§	
	§	
Defendant Below,	§	C.A. No. 07C-06-066
Appellee.	§	

Submitted: April 30, 2010

Decided: June 7, 2010

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 7th day of June 2010, after careful consideration of the appellant's opening brief and the Superior Court record,¹ we have concluded that the Superior Court's August 7, 2007 dismissal of the appellant's June 5, 2007 medical malpractice and negligence complaint should be affirmed. The Superior Court did not err when dismissing the complaint on the basis that the appellant did not submit an affidavit of merit.² The material the appellant submitted "in lieu of the affidavit of merit" fell short of establishing that the appellant has a qualified

¹ The appellee did not file an answering brief. The parties were informed that this appeal would be decided on the basis of the appellant's opening brief and appendix and the Superior Court record.

² See Del. Code Ann. tit. 18, § 6853(a)(1) (Supp. 2008) (providing that a healthcare negligence complaint must be accompanied by an affidavit of merit).

medical expert. The filing of a healthcare negligence action without the requisite affidavit of merit constitutes grounds of dismissal of medical negligence claims as a matter of law.³

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

³ *Id.*; *Burkhart v. Davies*, 602 A.2d 56 (Del. 1991).